

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**LOWTECH STUDIOS, LLC,  
Plaintiff,**

**v.**

**KOOAPPS LLC, JONATHAN CHANG,  
AND CHUN-KAI WANG,  
Defendants.**

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**CASE NO. 1:23-cv -1437-DAE**

**PLAINTIFF LOWTECH STUDIOS, LLC’S OPPOSITION TO KOOAPPS INC.’S  
MOTION ON CONSENT FOR LEAVE TO FILE AMENDED ANSWER TO  
FIRST AMENDED COMPLAINT AND COUNTERCLAIMS**

Plaintiff Lowtech Studios, LLC (“Lowtech”) hereby files this opposition to the Motion on Consent for Leave to File Amended Answer to First Amended Complaint and Counterclaims (Dkt. 69, the “Motion”) filed by Defendant Kooapps Inc.<sup>1</sup> (“Kooapps”) on February 14, 2025. Although Lowtech consented to Kooapps amending its previous pleading under certain conditions, Lowtech did not consent to Kooapps’ argumentative Motion in connection with that amendment. Lowtech submits this opposition to correct the record.

On January 30, 2025, counsel for Kooapps contacted counsel for Lowtech to request consent to filing an amended answer and counterclaims. *See* Exhibit 1 at .pdf p. 7.<sup>2</sup> The parties subsequently conferred and, to avoid unnecessary motion practice, counsel for Lowtech consented to Kooapps filing an amended pleading on certain conditions. *See id.* at .pdf pp.1-2. The next day, and without first sending a draft of its motion, Kooapps filed its Motion “on consent” from Lowtech. *See* Dkt. 69. After seeing the argumentative content, counsel for Lowtech asked counsel

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<sup>1</sup> Kooapps Inc. was formerly known as Kooapps LLC.

<sup>2</sup> Exhibits 1-2 are attached to the Declaration of Russell E. Blythe in Support of Plaintiff Lowtech Studios, LLC’s Opposition to Kooapps Inc.’s Motion on Consent for Leave to File Amended Answer to First Amended Complaint and Counterclaims attached hereto as Exhibit A.

for Kooapps to withdraw its Motion and replace it with a non-argumentative submission of its amended pleading. *See* Exhibit 2. Given Lowtech’s consent to the amended pleading, nothing further is required under the rules. *See* Fed. R. Civ. P. 15(a)(2) (“a party may amend its pleading...with the opposing party's written consent”). Counsel for Kooapps refused to withdraw its argumentative “consent” Motion. *See* Exhibit 2.

To be clear, Lowtech does not consent to the content of Kooapps’ Motion. For example, Lowtech does not agree that it “knowingly spread falsehoods about Kooapps and its products.” Dkt. 69 at 1. Lowtech also very much disputes that Lowtech engaged in “months of obfuscation” regarding the Discord posts at issue. *Id.* at 3. Kooapps did not serve discovery requests related to these posts until December 30, 2024, and Lowtech provided timely responses. While Lowtech will respond to Kooapps’ counterclaims in due course, the unwarranted and inaccurate statements in the Motion for leave to amend warrant a response as well.

Importantly, Lowtech also does not agree that a continuance of the trial date is appropriate to accommodate Kooapps’ amendment. *Id.* at 8 (“trial is not so imminent as to make a continuance impracticable”). On the contrary, Lowtech’s consent to Kooapps filing the amendment which adds not only new claims, but a new defendant as well, was contingent on Kooapps agreeing that the current trial schedule should not be disrupted and explicitly an agreement by Kooapps “not to seek a continuance of the trial setting due to the counterclaim having been filed.” *See* Exhibit 1 at .pdf pp. 1-2. Thus, to the extent that Kooapps’ motion suggests that a continuance of the trial setting is warranted because of the proposed amendment, Lowtech has not consented even to the relief sought in the motion and reserves all rights to oppose the amendment as well as any potential continuance sought on the basis of the amendment being filed.

Lowtech consented to Kooapps filing its amended pleading in good faith after ensuring

that the amendment would not disrupt the existing trial schedule. Lowtech consented notwithstanding many arguments that Lowtech could have advanced to oppose such a late addition of claims and a new party. In contrast, Kooapps' filing of a highly argumentative motion—purportedly “on consent”—discourages cooperation among the parties. It also deviates significantly from the parties' previous approach to amended pleadings in this case. *See, e.g.*, Dkt. 45. Lowtech objects to Kooapps' conduct and submits this opposition to clarify the record on Kooapps' filing and to reserve rights as necessary in connection with any present or future efforts to continue the trial setting due to the amendment.

Date: February 18, 2025

Respectfully submitted,

/s/ Russell E. Blythe

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### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document was served on the attorneys of record by delivering a true and correct copy on February 18, 2025, as follows:

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